



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of
Helen Dukes et al
Serial No. 10/049,436
Filed: July 22, 2002
For: AIR FILTER :

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:
: DECISION ON
: PETITION
:

This is a response to the PETITION REQUESTING WITHDRAWAL OF ABANDONMENT PURSUANT TO 37 C.F.R. 1.181(a), filed August 11, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of June 27, 2005, for failure to timely file a proper response to the Office letter dated August 30, 2004 be withdrawn. The petitioner asserts that the Office letter of August 30, 2004 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R.1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of August 30, 2004 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of August 30, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of August 30, 2004 was not received. Also provided is a copy of the attorney's application docket records of SN 10/049,436 where the Office letter of August 30, 2004 would have been posted had it been timely received (APPENDIX A).

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the Technical Support Staff



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for entering of the Response dated August 11, 2005 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

A handwritten signature in cursive script, reading "Jacqueline M. Stone", is positioned above a horizontal line.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O.BOX 10500
McLEAN, VA 22102